

aged. It is nothing to get excited about. It has worked out in many states.

I do not think our Court of Appeals or our legislature has run wild on allowing damages. We adopted this new concept resoundingly. I hope we will defeat the motion for reconsideration as resoundingly.

THE CHAIRMAN: Does any other delegate desire to speak in favor of reconsideration?

Delegate Macdonald.

DELEGATE MACDONALD: Mr. Chairman, Delegate Bard and I have requested the printing of an amendment which we would offer if this is reconsidered and if it has been printed, Mr. Chairman—

THE CHAIRMAN: Is that the Amendment AR?

DELEGATE MACDONALD: I have not seen it.

THE CHAIRMAN: It adds the phrase "as the latter term shall be defined by law."

DELEGATE MACDONALD: Yes.

THE CHAIRMAN: It is printed.

Will the pages please distribute Amendment AR.

Did you wish to speak further on the matter, Delegate Macdonald?

DELEGATE MACDONALD: Yes, Mr. Chairman.

THE CHAIRMAN: You may proceed.

DELEGATE MACDONALD: Fellow delegates, I hope you will vote in favor of the motion to reconsider. I do believe that we are embarking here if this section is not amended, on an uncharted course.

We have no case law in the State of Maryland which would point the way, which would tell us what damages are compensable in cases which would arise. We have no way of knowing what the limits are.

Many of us are fearful that we have opened the floodgates. I am sure that if this matter were considered by the General Assembly they would hold hearings for days on the subject.

The amendment which Delegate Bard and I propose to introduce, if you will reconsider this matter, would not prevent the awarding of damages. It would simply allow the General Assembly to pass suitable laws to lay down the guidelines.

As Delegate Henderson has pointed out to you, without these guidelines we would be in an extremely nebulous and uncertain area.

Now, the Committee seeks to assure you, seeks to say, "Well, take our word for it, everything is going to be all right." I submit to you that the report of the Committee on this matter is very short and skimpy. They do not give us one example in which damages would be allowed and in which they would not be allowed and I refer you to page 27 of the Majority Report.

THE CHAIRMAN: You have one-half minute, Delegate Macdonald.

DELEGATE MACDONALD: I repeat, we are fearful that we would be opening the floodgates. Please reconsider so that this amendment which would simply allow the General Assembly to lay down the guidelines, may be considered.

THE CHAIRMAN: Does any other delegate desire to speak in opposition to the motion?

Delegate Burgess.

DELEGATE BURGESS: Ladies and gentlemen of the Convention, you heard most of the arguments yesterday on this subject. Please be assured that I and members of the Committee would be among the first to fight if we thought this was a raid upon the treasury or a possibility of a raid upon the treasury.

This concept which appears here was first set forth in the State of Illinois in 1870. This is three years younger than the Constitution we are trying to modernize. Twenty-six of the fifty states have this particular concept.

Now, certainly I have not been at the bar so long as some of our eminent individuals who have spoken on the subject, but I am not sure they studied the law.

I did have an opportunity to work with a congressional committee. My area of responsibility was railroad right of way. I say to you that I do not think you will be able to tell the difference. It is merely an awareness, a realization that when planners draw lines between point A and point B, that there is sometimes flesh and blood between those lines.

It is an attempt to recognize that injustices are sometimes worked on small property owners whose property is in fact not physically touched but upon whom a tremendous burden or loss occurs.